

DEPARTMENT OF PERSONNEL ADMINISTRATION

LABOR RELATIONS DIVISION

15 "S" STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95814-7243



March 29, 2006

Mr. Chris Voight
California Association of Professional Scientists
660 J Street, Suite 480
Sacramento, CA 94244-2340

Dear Mr. Voight:

On February 23, 2006, the California Association of Professional Scientists (CAPS) submitted its initial bargaining proposals for Bargaining Unit 10 (Professional Scientists) for State response and public comment. The State employer submits the attached counterproposals and invites public review and comment.

Consistent with statutory requirements, the State is prepared to meet with CAPS to begin negotiations.

As in previous years, the employer reserves the right to make additional proposals and will invite public review and comment at that time.

Sincerely,

A handwritten signature in black ink that reads 'Franklin C. Marr'.

Franklin C. Marr
Labor Relations Officer

Attachment

**State Sunshine Collective Bargaining Proposals
For Inclusion in the Agreement with the
California Association of Professional Scientists (CAPS)
Bargaining Unit 10**

The State employer asserts that each and every provision of the contract, all side letters, addenda, amendments or other modifications to the contract are subject to renegotiation upon expiration of the contract. The State employer further asserts that any side letter, addendum, amendment or other modification to the contract that is not renegotiated and/or incorporated into the contract is superseded and no longer in effect.

The State employer will consider any proposal that is within scope and is particularly interested in receiving proposals that would that provide management maximum flexibility to maintain optimum public service, achieve cost savings and/or improve efficiency in State operations.

At this time, the State employer makes the following proposals:

Total Compensation

The State of California is prepared to negotiate over compensation proposals presented by CAPS and proposes using a total compensation approach to employee compensation and benefits. Total compensation may include, but is not limited to, the following:

- Article 2 – Salaries
- Article 3 – Leaves
- Article 4 – Holidays
- Article 5 – Health and Welfare
- Article 7 – Hours of Work and Overtime
- Article 8 – Retirement

Article 5 – Health and Welfare

The State employer proposes to work with the exclusive representative to update various provisions to conform with current workers' compensation laws.

The State employer proposes to delete the dependent care provisions of the contract pursuant to the expiration of the funding and enabling legislation.

The State employer proposes to work with the exclusive representative to update the Family and Medical Leave Act (FMLA) provisions so they conform to Department of Labor regulations.

Article 17 – Classification

The State employer proposes to delete all joint labor management committees that were established specifically to conduct classification studies that were to be completed by January 31, 2005.

The State employer proposes to delete or modify the language that requires the State and CAPS to jointly conduct a salary survey specific to scientist classifications. This survey is partially duplicative of and less extensive than the total compensation survey

that the State has recently implemented and usurps the limited State resources that are available to provide such services.

Article 19 – Miscellaneous

The State employer proposes to delete obsolete provisions pertaining to the Work and Family Labor Management Committee.

The State proposes to delete any language that goes beyond what is required in statute or impedes the State employer's ability to secure needed services through contracting out.

Article 20 – Entire Agreement and Duration

The State proposes to update the entire agreement provisions to conform with Government Code sections 3517.63, 19829.5 and 19829.6, including, but not limited to, the requirement that any side letter, appendix, or other addendum to the Memorandum of Understanding that requires the expenditure of funds of \$250,000 or more be submitted to the Legislature for approval before it is binding on the parties.

General

The State employer is prepared to meet and confer in good faith over each and every item proposed by CAPS in its "sunshine" of February 23, 2006.

The State employer reserves the right to add, modify, delete or otherwise change proposals during the course of negotiations.

The State employer also proposes technical changes to correct errors, bring contract provisions up to date, and/or delete obsolete language throughout the contract.